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JAN P. JOHNSON
Standing Chapter 13 Trustee
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

IN RE:) Case No: 10-46452-B-13J
) DC No.: JPJ-01
)
GLORIA WELLINGTON,) **TRUSTEE'S OBJECTION TO**
) **CONFIRMATION OF THE CHAPTER**
) **13 PLAN AND CONDITIONAL**
) **MOTION TO DISMISS CASE**
)
) DATE: DECEMBER 21, 2010
) TIME: 9:32 A.M.
Debtor(s)) COURTROOM: 32

JAN P. JOHNSON, CHAPTER 13 TRUSTEE, objects to confirmation of the Debtor(s)


Plan and does not recommend its confirmation as:

1. The trustee calculates that the plan will take 98 months to complete which exceeds the maximum length of 5 years pursuant to 11 U.S.C. §1322 (d)(1) and results in a commitment period that exceeds the permissible limit imposed by 11 U.S.C. §1325(b)(4). Filed concurrently with this opposition and market Exhibit A is a copy of the trustee's calculation showing the plan will take 97 additional months to complete. One month has passed since this petition was filed.

1 2. The trustee objects to payment of attorney's fees pursuant to the Guidelines for
2 Payment of Attorney's Fees in Chapter 13 Cases as the Debtor has failed to file the Rights and
3 Responsibilities of Chapter 13 Debtors and Their Attorneys.

4 WHEREFORE the movant prays that the Court enter an order denying confirmation of
5 the debtor's Plan, and an order dismissing the case unless on or before January 11, 2011 the
6 Debtor files a new plan and all necessary and related motions, including without limitation
7 motions to value collateral and motions to avoid liens, properly serves the new plan and the
8 motion(s), and sets the motion(s) for hearing on the next available chapter 13 calendar that
9 provides proper notice for all of the motions to be heard on the same calendar. The trustee
10 consents to the Court's resolution of disputed material factual issues pursuant to FRCivP 43(c) as
11 made applicable by FRBP 9017.

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13 Dated: November 23, 2010



/s/ Kristen A. Koo
KRISTEN A. KOO, Attorney for Trustee